

Killing no Murder:

Proving 'tis lawful and meritorious in
the Sight of God and Man, to destroy,
by any means, Tyrants of all Degrees,
their Creatures and Dependants;

That should attempt the Subversion of Liberty in
a free State, to introduce Slavery, Beggary, &c.

Demonstrated from holy Writ, the Laws of Na-
ture, and the most celebrated Authors, Antient
and Modern.

8465. cc. 32

By the brave Colonel *TITUS*,

Alias *W. ALLEN*.

Illustrated with many Examples of true Patriotism;

And contains many Things that deserve a serious
Consideration in our present State.

Wherein nothing but the Exertion of a general public Spirit
can avert our being curs'd with a Train of Evils impending;

And when too late, the Pusillanimous may cry, *Good Lord!*
who could have thought it?

To which are added,

The Sentiments of an illustrious Patriot, deceas'd,
on important Subjects that concern the very Being
of the Constitution and Liberties of *Britain*.

EDINBURGH: Printed for *J. Ker*, and sold at the
Highlander, a Snuff Shop, in *Cecil Court*, *St. Martin's Lane*,
London, 1749.

[Price One Shilling.]



Advertisement.

THE former Editions of this excellent Piece, are all scurvily printed, and very incorrect.

To his HIGHNESS
Oliver Cromwell.

May it please your Highness,

HOW I have spent some Hours of the Leisure your Highness has been pleased to give me, this following Paper will give your Highness an Account; how you will please to interpret it I cannot tell, but I can with Confidence say, my Intention in it is, to procure your Highness that Justice no Body yet does you, and to let the People see the longer they defer it, the greater Injury they do both themselves and you. To your Highness justly belongs the Honour of dying for the People; and it cannot choose but be an unspeakable Consolation to you in the last Moments of your Life, to consider, with how much Benefit to the World you are like to leave it. 'Tis then only (my Lord) the Titles you now usurp will be truly yours, you will then be indeed the Deliverer of your Country, and free it from a Bondage little inferior to that from which *Moses* deliver'd his: You will then be that true Reformer, which you would now be thought; Religion shall be then restored, Liberty asserted, and Parliaments have those Privileges they have fought for: We shall then hope that other Laws will have place besides those of the Sword, and that Justice shall be otherwise defined, than the Will and Pleasure of the strongest; and we shall then hope Men will keep

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Oaths

Oaths again, and not have the Necessity of being false and perfidious to preserve themselves, and be like their Rulers: All this we hope from your Highness happy Expiration, who are the true Father of your Country; for while you live, we can call nothing ours, and it is from your Death that we hope for our Inheritances: Let this Consideration arm and fortify your Highness's Mind against the Fears of Death, and the Terrors of your evil Conscience, that the Good you will do by your Death, will somewhat ballance the Evils of your Life. And if in the black Catalogue of high Malefactors, few can be found that have lived more to the Affliction and Disturbance of Mankind, than your Highness hath done; yet your greatest Enemies will not deny, but there is likewise as few that have expired more to the universal Benefit of Mankind, than your Highness is like to do. To hasten this great Good is the chief End of my writing this Paper, and if it have the Effects I hope it will, your Highness will quickly be out of the Reach of Mens Malice, and your Enemies will only be able to wound you in your Memory, which Strokes you will not feel. That your Highness may be speedily in this Security, is the universal Wishes of your grateful Country; this is the Desire and Prayers of the Good and of the Bad, and it may be, is the only Thing wherein all Sects and Factions do agree in their Devotions, and is our only Common Prayer. But amongst all that put in their Requests and Supplications for your Highness's speedy Deliverance from all earthly Troubles, none is more assiduous nor more fervent than he, that with the rest of the Nation hath the Honour to be (May it please your Highness)

Your Highness's present Slave and Vassal,

W. A.

To all those Officers and Soldiers
of the Army, that remember
their Engagements, and dare be
honest.

I Heartily wish for *England's* Sake, that your
Number may be far greater than I fear it is;
and that his Highness's frequent Purgations
may have left any amongst you, that by these
Characters are concern'd in this Dedication. That
I and all Men have Reason to make this a Doubt,
your own Actions, as well as your tame Sufferings,
do but too plainly manifest. For you, that were
the Champions of our Liberty, and to that Purpose
were raised, are not you become the Instruments
of our Slavery? And your Hands, that the People
employed to take off the Yoke from our Necks,
are not those the very Hands that now do put it
on? Do you remember that you were raised to
defend the Privileges of Parliament, and have
sworn to do it; and will you be employed to force
Elections, and dissolve Parliaments, because they
will not establish their Tyrants Iniquity, and our
Slavery by a Law? I beseech you, think upon
what you have promised, and what you do, and
give not Posterity, as well as your own Genera-
tion, the Occasion to mention you with Infamy,
and to curse that unfortunate Valour and Success
of yours, that only hath gained Victories (as you
use them) against the Common-Wealth.

ever *England* have thought to have seen that Army, that was never mentioned without the Titles of Religious, Zealous, Faithful, Courageous, the Fence of her Liberty at home, the Terror of her Enemies abroad, become her Goalers? Not her Guard, but her Oppressors? Not her Soldiers, but a Tyrant's Executioners, drawing to Blocks and Gibbets all that dare be honest than themselves? This you do, and this you are; nor can you ever redeem your own Honour, the Trust and Love of your Country, the Estimation of brave Men, or the Prayers of good, if you let not speedily the World see you have been deceived; which they will only then believe, when they see your Vengeance upon his faithless Head that did it: This if you defer too long to do, you will find too late to attempt, and your Repentance will neither vindicate you, nor help us. To let you see you may do this as a lawful Action, and to persuade you to it as a glorious one, is the principal Intent of this following Paper: Which, whatever Effects it hath upon you, I shall not absolutely fail of my Ends; for if it excites not your Virtue and Courage, it will yet exprobate your Cowardice and Baseness. This is from one that was once amongst you, and will be so again, when you dare be as you were.

Killing no Murder, &c.

IT is not any Ambition to be in Print, when so few spare Paper and the Press, nor any Instigations of private Revenge or Malice (tho' few that dare be honest now want their Causes) that have prevailed with me to make myself the Author of a Pamphlet, and to disturb that Quiet which at present I enjoy, by his Highness's great Favour and Injustice. Nor am I ignorant to how little Purpose I shall employ that Time and Pains, which I shall bestow upon this Paper. For to think that any Reasons or Persuasions of mine, or Convictions of their own, shall draw Men from any Thing wherein they see Profit or Security, or to any Thing where they fear Loss, or see Danger, is to have a better Opinion both of myself and them, than either of us both deserve.

Besides, the Subject itself is of that Nature, that I am not only to expect Danger from ill Men, but Censure and Disapprobation from many that are good; for those Opinions only look'd upon, not look'd into (which all have not Eyes for) will appear bloody and cruel; and these Appellations I must expect from those that have a Zeal, but not according to Knowledge. If therefore I had considered myself, I might have spared this Pains, and not distasted so many, to please so few as are
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in Mankind (the honest and the wise) *But at such a time as this, when God is not only exercising us with the Calamity, of letting us fall into Slavery for using our Liberty so ill; but is pleased so far to blind our Understandings, and to debase our Spirits, as to suffer us to court our Bondage, and to place it among the Requests we put up to him; Indignation makes a Man break that Silence that Prudence would perswade him to use; if not to work upon other Mens Minds, yet to ease his own.*

A late Pamphlet tells us of a great Design discovered against the Person of his Highness, and of the Parliament's coming (for so does that Junto profane that Name) to congratulate with his Highness, his happy Deliverance from that wicked and bloody Attempt. Besides this, that they have ordered that God Almighty shall be mock'd with a Day of Thanksgiving, that the People shall give publick Thanks for the publick Calamity, and that God is yet pleased to continue his Judgments upon them, and to frustrate all Means that are used for their Deliverance. Certainly none will now deny that the *English*, are a very thankful People. But I think if we had read in Scripture, that the *Israelites* had cried unto the Lord, not for their own Deliverance, but the Preservation of their Task-Masters, and that they had thanked God with Solemnity that *Pbaraoh* was yet living, and that there was still great Hopes of the daily Encrease of the Number of their Bricks: Tho' that People did so many Things, not only impiously and prophanely, but ridiculously and absurdly, yet

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certainly they did nothing we should more have wondered at, than to have found them ceremoniously thankful to God for Plagues, that were commonly so brutishly unthankful for Mercies; and we should have thought that *Moses* had done them a great deal of wrong, if he had not suffered them to enjoy Slavery, and left them to their Tasks and Garlick.

I can with Justice say, my principal Intention in this Paper is not to declaim against my Lord *Protector* or his Accomplices, for were it not more to justify others than to accuse them, I should think their own Actions did that Work sufficiently, and I should not take Pains to tell the World what they knew before; my Design is, to examine whether if there hath been such a Plot as we hear of, and that it was contrived by Mr. *Sindercombe* against my L. *Protector*, and not by my L. *Protector* against Mr. *Sindercombe* (which is doubtful) whether it deserves those Epithets Mr. *Speaker* is pleased to give it, of bloody, wicked, and proceeding from the Prince of Darkness. I know very well how incapable the Vulgar are of considering what is extraordinary and singular in every Case, and that they judge of Things, and name them by their exterior Appearances, without penetrating at all into their Causes or Natures: And without doubt when they hear the *Protector* was to be killed, they strait conclude a Man was to be murdered, not a Malefactor punished: For they think the Formalities always make them the Things themselves, and that 'tis the Judge and the Crier that makes the Justice,
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and the Goal the Criminal. *And therefore when they read in the Pamphlet Mr. Speaker's Speech, they certainly think he gives these Plotters their right Titles, and, as readily as a High Court of Justice, they condemn them, without ever examining whether they would have Killed a Magistrate, or destroyed a Tyrant, over whom every Man is naturally a Judge and an Executioner, and whom the Laws of God, of Nature, and of Nations, expose like Beasts of Prey, to be destroyed as they are met.*

That I may be as plain as I can, I shall first make it a Question (which indeed is none) whether my Lord *Protector* be a Tyrant or not? Secondly, if he be, Whether it is lawful to do Justice upon him without Solemnity? that is, *to kill him*. Thirdly, if it be lawful, Whether it is likely to prove profitable or noxious to the Commonwealth.

The Civil Law make Tyrants of two Sorts; *Tyrannus sine Titulo*, and *Tyrannus Exercitio*: The one is called a Tyrant because he has no Right to govern; the other, because he governs Tyrannically. We will briefly discourse of them both, and see whether the *Protector* may not with great Justice put in his Claim to both Titles.

We shall sufficiently demonstrate who they are that have not a Right to govern, if we shew who they are that have; and what it is that makes the Power just, which those that rule have over the natural Liberty of other Men. To Fathers within their private Families, Nature hath given a Supreme Power. Every Man, says *Aristotle*, of Right governs

governs his Wife and Children; and this Power was necessarily exercised every where, whilst Families lived dispersed, before the Constitutions of Common-wealths; and in many Places it continued after, as appears by the Laws of *Solon*, and the most antient of those of *Rome*. And indeed, as by the Laws of God and Nature, the Care, Defence and Support of the Family lies upon every Man whose it is; so by the same Law, there is due unto every Man from his Family a Subjection and Obedience, in Compensation of that Support. *But several Families uniting themselves together to make up one Body of a Common-wealth, and being independent one of another, without any natural Superiority or Obligation, nothing can introduce amongst them a Disparity of Rule and Subjection, but some Power that is over them, which Power none can pretend to have but God and themselves: Wherefore all Power which is lawfully exercised over such a Society of Men [which, from the End of its Institution, we call a Common-wealth] must necessarily be derived either from the Appointment of God Almighty, who is supreme Lord of all and every Part, or from the Consent of the Society itself, who have the next Power to his, of disposing of their own Liberty as they shall think fit for their own Good. This Power God hath given to Societies of Men, as well as he gave it to particular Persons, and when he interposes not his own Authority, and appoints not himself who shall be his Vicegerents and rule under him; he leaves it to none but the People themselves to make the Election, whose Benefit is the End of all Government.*

Nay, when he himself hath been pleased to appoint Rulers for that People, which he was pleased particularly to own; he many Times made the Choice, but left the Confirmation and Ratification of that Choice to the People themselves. So *Saul* was chosen by God, and anointed King by his Prophet, but made King by all the People at *Gilgal*. *David* was anointed King by the same Prophet; but was afterwards, after *Saul's* Death, confirmed by the People of *Juda*, and seven Years after by the Elders of *Israel*, the Peoples Deputies at *Chebron*: And it is observable, that tho' they knew that *David* was appointed King by God, and anointed by his Prophet, yet they likewise knew that God allowed to themselves not only his Confirmation, but likewise the Limitation of his Power; for before his Inauguration they made a League with him; that is, obliged him by Compact to the Performance of such Conditions, as they thought necessary for the securing their Liberty. Nor is it less remarkable, that when God gives Directions to his People concerning their Government, he plainly leaves the Form to themselves; *Statues super te Regem*; but, *Si dixeris statuam*. And it is plain in that Place, that God gives the People the Choice of their King, for he there instructs them whom they shall choose, *E medio fratrum tuorum*, one out of the Midst of thy Brethren; much more might we say, if it were a less manifest Truth, that all just Power of Government is founded upon these two Bases, of God's immediate Command, or the People's Consent. And there-

therefore, whosoever arrogates to himself that Power, or any Part of it, that cannot produce one of these two Titles, is not a Ruler, but an Invader, and those that are subject to that Power, are not governed, but oppressed.

This being considered, have not the People of *England* much reason to ask the *Protector* this Question; *Quis constituit te virum principem & judicem super nos?* Who made thee a Prince and a Judge over us? If God made thee, make it manifest to us: If the People, Where did we meet to do it? Who took our Subscriptions? To whom deputed we our Authority? And when and where did these Deputies make the Choice? Sure these Interrogations are very natural, and, I believe, would much trouble his Highness's Council, and his Junto to answer. In a Word, that I may not tire my Reader (who will not want Proofs for what I say, if he wants not Memory) if to change the Government, without the Peoples Consent: If to dissolve the Representatives by Force, and disannul their Acts: If to give the Name of the Peoples Representatives to Confederates of his own, that he may establish Iniquity by a Law: If to take away Mens Lives out of all Course of Law, by certain Murderers of his own Appointment, whom he names, *A High Court of Justice*: If to decimate Mens Estates, and by his own Power to impose upon the People what Taxes he pleases; and to maintain this by Force of Arms: If, I say, all this does make a Tyrant, his own Impudence cannot deny but he is as compleat a one, as ever hath been

since there have been Societies of Men. *He that hath done, and does all this, is the Person for whose Preservation the People of England must pray; but certainly if they do, 'tis for the same Reason that the old Woman of Syracuse pray'd for the long Life of the Tyrant Dionysius, lest the Devil should come next.*

Now, instead of God's Command, or the Peoples Consent, his Highness hath no other Title but Force and Fraud, which is to want all Title: And if to violate all Laws, and propose none to rule by, but those of his own Will, be to exercise that Tyranny he hath usurp'd, and to make his Administration conformable to his Claim; then the first Question we proposed is a Question no longer.

But before we come to the second, because Things are more easily perceived and found by the Description of their *exterior Accidents and Qualities*, than the defining their Essences: It will not be amiss to see, whether his Highness hath not as well the outward Mark and Characters by which Tyrants are known, as he hath their *Nature and essential Properties*: Whether he hath not the Skin of the Lion and Tail of the Fox, as well as he hath the Violence of the one and Deceit of the other. Now in this Delineation which I intend to make of a Tyrant, all the Lineaments, all the Colours will be found so naturally to correspond with the Life, that it cannot but be doubted, whether his Highness be Original or the Copy; whether I have in drawing the Tyrant represented him; or in representing him, express a Tyrant: And therefore, lest

I should be suspected to deal insincerely with his Highness, and not to have applied these following Characters, but made them, I shall not give you any of my own stamping, but such as I find in *Plato*, *Aristotle*, *Tacitus*, and his Highness's own *Evangelist*, *Machiavel*.

1. *Almost all Tyrants have been first Captains and Generals for the People, under Pretences of vindicating or defending their Liberties. Ut imperium evertant Libertatem preferunt; cum perverterunt, ipsam aggrediuntur*, says *Tacitus*; to subvert the present Government, they pretend Liberty for the People; when the Government is down, they then invade that Liberty themselves: This needs no Application.

2. *Tyrants accomplish their Ends much more by Fraud than Force.* Neither Virtue nor Force, says *Machiavel*, are so necessary to that Purpose, as *una Astutia fortunata*, a lucky Craft; which, says he, without Force, has been often found sufficient, but never Force without that. And in another Place, he tells us, their Way in *Aggirare I cervelli de gli buomini con Astutia*, &c. With cunning plausible Pretences to impose upon Mens Understandings, and in the end they master those that had so little Wit as to rely upon their Faith and Integrity.

'Tis but unnecessary to say, that had not his Highness had a Faculty to be fluent in his Tears, and eloquent in his Execrations: Had he not had spongy Eyes, and a supple Conscience; and besides, to do with a People of great Faith but little Wit: His Courage and the rest of his Moral Virtues,

ruers, with the Help of his Janizaries, had never been able so far to advance him out of the Reach of Justice, that we should have need to call for any other Hand to remove him, but that of the Hangman.

3. *They abase all excellent Persons, and rid out of the Way all that have noble Minds. Et terræ filios extollunt*, and advance Sons of the Earth.

To put *Aristotle* into other Words, *They purge both Parliament and Army, till they leave few or none there, that have either Honour or Conscience, Wit, Interest, or Courage to oppose their Designs.* And in these Purgations, saith *Plato*, Tyrants do quite contrary to Physicians; for they purge us of our Humours, but Tyrants of our Spirits.

4. They dare suffer no Assemblies, not so much as Horse-Races.

5. *In all Places they have their Spies and Dilators*, that is, they have their *Fleetwoods*, their *Broughals*, their *St. Johns*, (besides innumerable small Spies) to appear discontented and not to side with them; that under that Disguise they may get Trust, and make Discoveries. They likewise have their Emisfaries to send with forged Letters. If any one doubt this, let him send to Major General *Brown*, and he will satisfy him.

6. They stir not without a Guard, nor his Highness without a Life-Guard.

7. *They impoverish the People that they may want the Power, if they have the Will, to attempt any thing against them.* His Highness's Way is by Taxes, Excise, Decimation, &c.

8. They make War to divert and busy the People, and besides to have a Pretence to raise Monies and to make new Levies, if they either distrust their old Forces, or think them not sufficient. The War with *Spain* serveth his Highness to this Purpose; and upon no other Justice was it begun at first, or is still continued.

9. They will seem to honour, and provide for good Men: that is, If the Ministers will be orthodox and flatter; if they will wrest and torture the Scripture to prove his Government lawful, and furnish him with Titles; his Highness will likewise be then content to understand Scripture in their Favour, and furnish them with Titles.

10. Things that are odious and distastful they make others Executioners of; and when the People are discontented, they appease them by sacrificing those Ministers they imploy. I leave it to his Highness's Major-Generals, to ruminate a little upon this Point.

11. *In all Things they pretend to be wonderful careful of the Publick; to give general Accompts of the Money they receive, which they pretend to be levied for the Maintenance of the State and the Prosecution of the War.* His Highness made an excellent Comment upon this Place of *Aristotle*, in his Speech to this Parliament.

12. All Things set aside for religious Uses they set to sale; that while those Things last, they may exact the less of the People. The Cavaliers would interpret this of the Dean and Chapters Lands.

13. They pretend Inspiration from God, and
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Responses from Oracles, to authorize what they do; his Highness hath been ever an Euthusiast. And as *Hugh Capet*, in taking the Crown, pretended to be admonish'd to it in a Dream by *St. Valery* and *St. Richard*; so I believe his Highness will do the same, at the Instigation of *S. Henry* and *S. Richard* his two Sons.

14. Lastly, Above all Things they pretend a Love to God and Religion. This *Aristotle* calls *Artuae Tyrannicaræ potissimam*; the surest and best of all the Arts of Tyrants, and we all know his Highness has found it so by Experience. *He hath found indeed, that in Godliness there is great Gain, and that Preaching and Praying, well managed, will obtain other Kingdoms us well as that of Heaven.* His indeed have been pious Arms, for he hath conquered most of those of the Church, by Prayers and Tears. But the Truth is, were it not for our Honour to be governed by one that can manage both the Spiritual and Temporal Sword, and *Roman* like, to have our Emperor our High Priest, we might have had Preaching at a much cheaper Rate, and it would have cost us but our Tithes, which now cost us all.

Other Marks and Rules there are mentioned by *Aristotle* to know Tyrants by; but they being unsuitable to his Highness's Actions, and impracticable to his Temper, I insist not on them. As among other things *Aristotle* would not have a Tyrant insolent in his Behaviour, nor strike People. But his Highness is naturally cholerick, and must call Men Rogues, and go to Cuffs. At last he
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concludes he should so fashion his Manners, as neither to be really good, nor absolutely bad, but half one half t'other. Now this half good is too great a Proportion for his Highness, and much more than his Temper will bear.

But to speak Truths more seriously, and to conclude this first Question. Certainly whatever these Characters make any Man, it cannot be denied but his Highness is, and then if he be not a Tyrant, we must confess we have no Definition nor Description of a Tyrant left us, and may well imagine there is no such Thing in Nature, and that 'tis only a Notion and a Name. But if there be such a Beast, and we do at all believe what we see and feel, let us now enquire, according to the Method we proposed, whether this be a Beast of Game that we are to give Law to, or a Beast of Prey, to destroy which all Means are allowable and fair?

In deciding this Question, Authors very much differ, as far as it concerns supreme Magistrates, who degenerate into Tyrants. Some think they are to be born with as bad Parents, and place them in the Number of those Mischiefs that have no other Cure but our Patience; others think they may be questioned by the supreme Law of the Peoples Safety, and that they are answerable to the Peoples Representatives for the Breach of their Trust. But none, of sober Sense, make private Persons Judges of their Actions; which were indeed to subvert all Government. But on the other side, I find none, that have not been frightened or corrupted out of their Reason, that have been so great Enemies to common Justice and the Liberty of Mankind, as to give any

Kind of Indemnity to a Usurper, who can pretend no Title but that of being stronger, nor challenge the Peoples Obedience upon any other Obligation but that of their Necessity and Fear. Such a Person, as one out of all Bounds of humane Protection, all Men make the *Isbmael*, against whom is every Man's Hand, as his is against every Man. To him they give no more Security, than *Cain*, his Fellow-Murderer and Oppressor, promised to himself, to be destroyed by him that found him first.

The Reason why a Tyrant's Case is particular, and why in that every Man hath that Vengeance given him, which in other Cases is reserv'd to God and the Magistrate, cannot be obscure, if we rightly consider what a Tyrant is, what his Crimes are, and in what State he stands with the Commonwealth, and with every Member of it. And certainly, if we find him an Enemy to all human Society, and Subverter of all Laws, *and one that by the Greatness of his Villanies secures himself against all ordinary Course of Justice*; we shall not at all think it strange, if then he have no Benefit from humane Society, no Protection from the Law, and if in his Case, Justice dispenses with her Forms. We are therefore to consider that the End for which Men enter into Society, is not barely to live, which they may do dispers'd, as other Animals, but to live happily, and a Life answerable to the Dignity and Excellency of their Kind. Out of Society this Happiness is not to be had; for singly we are impotent and defective, unable to procure those Things that are either of Necessity or Ornament for
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our Lives ; and as unable to defend and keep them when they are acquired. To remedy these Defects, we associate together, that what we can neither enjoy nor keep singly, by natural Benefits and Assurances of one another, we may be able to do both. We cannot possibly accomplish these Ends, if we submit not our Passions and Appetites to the Laws of Reason and Justice ; for the Depravity of Man's Will makes him as unfit to live in Society, as his Necessity makes him unable to live out of it ; and if that Perverseness be not regulated by Laws, Mens Appetites to the same Things, their Avarice, their Lust, their Ambition, would quickly make Society as unsafe, or more, than Solitude it self, and we should associate only to be nearer our Misery and our Ruin. That therefore by which we accomplish the Ends of a sociable Life, is our Subjection and Submission to Laws ; these are the Nerves and Sinews of every Society or Commonwealth, without which they must necessarily dissolve and fall asunder. And indeed, as *Augustin* says, those Societies where Law and Justice is not, are not Commonwealths or Kingdoms, but *Magna Latrocinia*, Great Confederacies of Thieves and Robbers : Those therefore that submit to no Law, are not to be reputed in the Society of Mankind, which cannot consist without a Law ; therefore *Aristotle* saith, Tyranny is against the Law of Nature, that is, the Law of humane Society, in which humane Nature is preserved. For this Reason, they deny a Tyrant to be *Partem Civitatis*, for every Part is subject to the whole ; and a Citizen, says

the same Author, is he who is as well obliged to the Duty of obeying, as he is capable of the Power of commanding: and indeed he does obey whilst he does command? that is, he obeys the Laws, which, says *Tully*, *Magistratibus præsunt, ut Magistratus præsunt populo*, are above the Magistrates, as the Magistrates are above the People. And therefore, a Tyrant that submits to no Law by which he governs himself and others, is no Magistrate, no Citizen, or Member of any Society, but an Ulcer and a Disease that destroys it; and if it be rightly considered, a Common-wealth by falling into a Tyranny, absolutely loses that Name, and is actually another Thing: *Non est civitas quæ unius est viri*, says *Sophocles*, That which is one Man's is no City. *For there is no longer King and People, or Parliament and People, but those Names are changed, at least their Natures, into Masters and Servants, Lords and Slaves; and Servorum Civitas erit sed magna Familia*, says *Grotius*, where all are Slaves, 'tis not a City but a great Family: and the Truth is, we are all Members of Whitehall,—and when our Master pleaseth, he may send for us thither, and there bore through our Ears at the Door posts. But to conclude, a Tyrant, as we have said, being no Part of a Common-wealth, nor submitting to the Laws of it, but making himself above all Law, there is no Reason he should have the Protection due to a Member of a Common-wealth, nor any Defence from Laws, that does acknowledge none. He is therefore in all reason to be reckoned in the Number of those savage Beasts, that fall not with others into any
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Herd, that have no other Defence but their own Strength, making a Prey of all that's weaker, and by the same Justice, being a Prey to all that's stronger than themselves.

In the next Place, let it be considered, that a Tyrant making himself above all Law, and defending his Injustice by a Strength above all Punishment, above all other Justice than that he receives from the Stroke of some generous Hand: and certainly the Safety of Mankind were but ill provided for, if there were no Kind of Justice to reach great Villanies, but Tyrants should be *Im-munditie Scelerum tuti*, secured by the Greatness of their Crimes. Our Laws would be then but Cobwebs indeed, made only to catch Flies, but not to hold Wasps or Hornets; and it might be then said of all Common-wealths, that was said to *Athens*, *That there only small Thieves were hanged, but the great ones were free, and condemned the rest*. But he that will secure himself of all Hands, must know he secures himself from none: he that flies Justice in the Court, must expect to find it in the Street; and he that goes armed against every Man, arms every Man against himself. *Bellum est in eos, qui judiciis coerceri non possunt*, says *Cicero*, We have War with those against whom we can have no Law. The same Author, *Cum duo sint decertandi genera*, &c. There being two Ways of deciding Differences, the one by Judgment and Arbitration, the other by Force; the one proper to Men, the other to Beasts. We must have Recourse to the latter, when the former cannot be obtained. And cer-

certainly by the Law of Nature, *ubi cessat judicium*, when no Justice can be had, every Man may be his own Magistrate, and do Justice for himself; for the Law, says *Grotius*, that forbids me to pursue my Right but by a Course of Law, certainly supposes, *Ubi copia est Judicii*, where Law and Justice is to be had; otherwise, that Law were a Defence for Injuries, not one against them; and quite contrary to the Nature of all Laws, would become the Protection of the Guilty against the Innocent, not of the Innocent against the Guilty. Now, as it is contrary to the Laws of God and Nature, that Men, who are partial to themselves, and therefore unjust to others, should be their own Judges, where others are to be had; so is it as contrary to the Law of Nature, and the common Safety of Mankind, that when the Law can have no Place, Men should be forbidden to repel Force by Force, and so be left without all Defence and Remedy against Injuries. God himself left not the Slave without Remedy against the cruel Master: And what Analogy can it hold with Reason, that the Slave, that is but his Master's Money, and but Part of his Household-stuff, should find Redress against the Injuries and Insolences of an imperious Master; and a free People, who have no superior but their God, should have none at all against the Injustice and Oppression of a barbarous Tyrant? And were not the Incongruity full as great, that the Law of God permitting every Man to kill a Thief, if he took him breaking open his House in the Night; because then it might be supposed he could not

not bring him to Justice: but a Tyrant, that is, the common Robber of Mankind, and on whom no Law can take hold on, his Person should be *Sacrofanct*, *cui nihil Sacrum aut sanctum*, to whom nothing is sacred, nothing inviolable! But the vulgar judge ridiculously, like themselves: the Glisten of Things dazzle their Eyes, and they judge of them by their Appearances, and the Colour that are put on them. *For what can be more absurd in Nature, and contrary to all common Sense, than to call him Thief, and kill him, that comes alone, or with a few, to rob me; and to call him Lord Protector, and obey him, that robs me with Regiments and Troops? As if to rove with two or three Ships were to be a Pyrate, but with fifty, an Admiral? But if it be the Number of Adherents only, not the Cause, that makes the Difference between a Robber and a Protector: I wish that Number were defined, that we might know where the Thief ends, and the Prince begins; and be able to distinguish between a Robbery and a Tax.* But sure no *Englishman* can be ignorant, that it is his Birth-right to be Master of his own Estate, and that none can command any Part of it but his own Grant and Consent, either made expressly by himself, or virtually by a Parliament. All other Ways are mere Robberies in other Names; *Auferre, Trucidare, Rapere, falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant;* to rob, to extort, to murder Tyrants falsely call'd to govern, and to make Desolation, they call to settle Peace: in every Assessment we are robb'd; the Excise is Robbery; the Customs Robbery; and with-

without doubt, whenever 'tis prudent, 'tis lawful to kill the Thieves, whom we can bring to no other Justice: and not only lawful, to do ourselves right, but glorious, and to deserve of Mankind, to free the World of that common Robber, that universal Pirate, under whom, and for whom, the lesser Beasts prey. This Firebrand I would have any Way extinguish'd; this Ulcer I would have any Hand to lance: And I cannot doubt but God will suddenly sanctify some Hand to do it, and bring down that bloody and deceitful Man, who lives not only to the Misery, but the Infamy of our Nation.

I shall have Reason to be much less confident of the Justice of this Opinion, if it were new, and only grounded upon Collections and Interpretations of my own. But herein, if I am deceived, I shall however have the Excuse to have been drawn into that Error, by the Examples that are left us by the greatest and most virtuous, and the Opinions of the wisest and gravest Men, that have left their Memoirs to Posterity. Out of the great Plenty of Confirmations I could bring for this Opinion from Examples and Authorities, I shall select a very few; for manifest Truths have not Need of those Supports; and I have as little Mind to tire myself as my Reader.

First therefore, An Usurper, that by only Force possesseth himself of Government, and by Force only keeps it, is yet in the State of War with every Man, says the Learned *Grotius*: and therefore every Thing is lawful against him, that is lawful against
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an open Enemy, whom every private Man hath a Right to kill. *Hostis hostem occidere volui*, says *Scaevola* to *Porfena*, when he was taken, after he had failed in his attempt to kill him; I am an Enemy, and an Enemy I would have killed; which every Man hath a Right to do.

Contra publicos hostes, & Majestatis reos, omnis homo miles est, says *Tertullian*. Against common Enemies, and those that are Traitors to the Common-Wealth, every Man is a Soldier: This Opinion the most celebrated Nations have approved both by their Laws and Practices. The *Grecians*, as *Xenophon* tells us, who suffered not Murderers to come into their Temples, in those very Temples they erected Statues to those that kill'd Tyrants, thinking it fit to place their Deliverers amongst their Gods. *Cicero* was an Eye-witness of the Honours that were done such Men, *Graeci homines, &c.* The *Greeks*, saith he, attribute the Honours of the Gods to those that killed Tyrants: what have I seen in *Athens* and other Cities of *Greece*! What Religion paid to such Men! What Songs! What Elogies! By which they are consecrated to Immortality, and almost deified! In *Athens*, by *Solon's* Law, Death was not only decreed for the Tyrant that oppress'd the State, but for all those that took any Charge, or did bear any Office while the Tyranny remained. And *Plato* tells us, the Ordinary Course they took with Tyrants in *Greece*: If, says he, the Tyrant cannot be expuls'd by accusing him to the Citizens, then by secret Practices they dispatch him.

Amongst the Romans the *Valerian* Law was, *si quis*

quis injussu populi, &c. Whosoever took Magistracy upon him, without the Command of the People, it was lawful for any Man to kill him. *Plutarch* makes this Law more severe, *Ut injudicatum occidere eum licetur, qui dominatum concupisceret.* That it was lawful by that Law, before any Judgment past, to kill him that but aspired to Tyranny. Likewise the Consular Law, which was made after the Suppression of the Tyranny of the Decemvirate, made it lawful to kill any Man that went about to create Magistrates, *sine Provocatione, &c.* Without Reference and Appeal to the People. By these Laws, and innumerable Testimonies of Authors, it appears, that the *Romans*, with the rest of their Philosophy, had learned from the *Grecians*, what was the natural Remedy against a Tyrant: Nor did they honour those less that durst apply it. Who as *Polybius* says, speaking of Conspiracies against Tyrants, were not *Deterrimi Civium, sed Generosissimi quique, & maximi Animi*; not the worst and meanest of the Citizens, but the most generous, and those of greatest Virtue: So were most of those that conspired against *Julius Caesar*; he himself thought *Brutus* worthy to succeed him in the Empire of the World. And *Cicero*, who had the Title of *Pater Patriae*; if he were not conscious of the Design, yet he at least affected the Honour of being thought so: *Quae enim res unquam, &c.* What Act, says he, O *Jupiter*, more glorious! more worthy of eternal Memory, hath been done not only in this City, but in the whole World! In this Design, as the *Trojan Horse*, I willingly suffer myself to be included

cluded with the Princes. In the same Place he tells us what all virtuous *Romans* thought of the Fact as well as he: *Omnes boni, quantum in ipsis fuit, Caesarem occiderunt: aliis consilium: aliis animus: aliis occasio defuit, voluntas nemini*: All good Men, saith he, as much as lay in them, killed *Cæsar*: some wanted Capacity; some Courage; others Opportunity; but none the Will to do it. But yet we have not declared the Extent of their Severity against a Tyrant: They exposed him to Fraud, as well as Force, and left him no Security in Oaths and Compacts, that neither Law nor Religion might defend him that violated both. *Cum Tyranno Romanis nulla fides, nulla jurisjurandi Religio*, saith *Brutus* in *Appian*; with a Tyrant the *Romans* think no Faith to be kept, observe no Religion of an Oath: *Seneca* gives the Reason, *Quia quicquid erat, quo mihi cohaereret, &c.* For whatever there was of mutual Obligation betwixt us, his destroying the Laws of human Society, hath dissolved; so these that thought that there was *in hostem nefas*, that a Villany might be committed against an Enemy; These that profess'd, *Non minus iuste quam fortiter arma gerere*, to manage their Arms with Justice as well as Courage: These that thought Faith was to be kept even with the perfidious; yet they thought a Tyrant could receive no Injustice, but to be let live; and that the most lawful Way to destroy him was the readiest, no Matter whether by Force or Fraud; for against Beasts of Prey, Men use the Toyle and the Net, as well as the Spear and the Lance. But so

great was their Detestation of a Tyrant, that it made some take their Opinions from their Passions, and vent Things which they could but ill justify to their Morality; they thought a Tyrant, had so absolutely forfeited all Title to Humanity, and all kind of Protection they could give him or his, that they left his Wife without any other Guard for her Chastity but Age and Deformity; and thought it not Adultery what was committed with her. Many more Testimonies might I bring; for 'tis harder to make Choice than to find Plenty. But I shall conclude with Authorities that are much more authentick, and Examples we may much more safely imitate.

The Law of God itself decreed certain Death to that Man that would do presumptuously, and submit to no Decision of Justice. Who can read this, and think a Tyrant ought to live? But certainly, neither that, nor any other Law were to any Effect, if there were no Way to put it in Execution. But in a Tyrant's Case, Process and Citation have no Place, and if we will only have formal Remedies against him, we are sure to have none. There's small Hopes of Justice where the Malefactor hath a Power to condemn the Judge.

All Remedy therefore against a Tyrant is *Ebud's* Dagger, without which all our Laws were fruitless, and we helpless. This is that High Court of Justice where *Moses* brought the *Egyptian*, whither *Ebud* brought *Eglon*; *Sampson* the *Philistines*; *Samuel Agag*; and *Jeboiada* the she-Tyrant *Athaliah*.

Let us a little consider in particular, these several

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Examples, and see whether they may be proportioned to our Purpose.

First, as to the Case of *Moses* and the *Egyptian*: Certainly every *Englishman* hath as much Call as *Moses*, and more Cause than he, to slay this *Egyptian* that is always laying on Burthens, and always smiting both our Brethren and our selves: For as to his Call, he had no other than we read, but the Necessity his Brother stood in of his Help. He looked on his Brethrens Burdens, and seeing an *Egyptian* smiting an *Hebrew*, knowing he was out of the Reach of all other Kind of Justice, he slew him. Certainly this was and is as lawful for any Man, to do, as it was for *Moses*, who was then but a private Man and had no Authority for what he did, but what the Law of Nature gives every Man; to oppose Force to Force, and to make Justice where he finds none. As to the Cause of that Action, we have much more to say than *Moses* had; he saw one *Hebrew* smitten, we many *Englishmen* murder'd; he saw his Brethrens Burdens and their Blows; we our Brethrens Burdens, Imprisonments and Deaths. Now sure if it were lawful for *Moses* to kill that *Egyptian* that oppress'd one Man, being there was no Way to procure an ordinary Course of Justice against him; it cannot be but absurd to think it unlawful to kill him that oppresses a whole Nation, and one that Justice as little reaches as it defends.

The Example of *Ebud* shews us the natural and almost the only Remedy against a Tyrant, and the Way to free an oppress'd People from the Slavery of

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an insulting *Moabite*: 'tis done by Prayers and Tears, with the Help of a Dagger, by crying to the Lord, and the left Hand of an *Ebud*. Devotion and Action go well together; *for believe it, a Tyrant is not of that Kind of Devil that is to be cast out by only Fasting and Prayer*: and here the Scripture shews us what the Lord thought a fit Message to send a Tyrant from himself; a Dagger of a Cubit in his Belly: and every worthy Man that desires to be an *Ebud*, a Deliverer of his Country, will strive to be the Messenger.

We may here likewise observe in this and many Places of *Judges*, that when the *Israelites* fell to Idolatry, which of all Sins certainly is one of the greatest, God Almighty, to proportion the Punishment to the Offence, still delivered them into the Hands of Tyrants, which sure is one of the greatest of all Plagues.

In the Story of *Samson* 'tis manifest, that the denying him his Wife, and the burning her and her Father; which, tho' they were great, yet were but private Injuries, he took for sufficient Grounds to make War upon the *Philistines*, being himself but a private Man, and not only not assisted, but opposed by his servile Country Men. He knew what the Law of Nature allowed him, where other Laws have no Place, and thought it a sufficient Justification for smiting the *Philistines* Hip and Thigh, to answer for himself; that as they did unto him so had he done unto them.

Now that which was lawful for *Samson* to do against many Oppressors, why is it unlawful for us

to do against one? Are our Injuries less? Our Friends and Relations are daily murder'd before our Faces: Have we other Ways for Reparation? Let them be named and I am silenc'd: But if we have none, the Fire-brands, or the Jaw-bone, the first Weapons our just Fury can lay hold on, may certainly be lawfully employed against that uncircumcised *Philistine* that oppresses us. We have too the Oppositions and Discouragements that *Samson* had, and therefore have the more Need of his Courage and Resolution: As he had the Men of *Judah*, so we have the Men of *Levi*, crying to us out of the Pulpit, as from the Top of the Rock *Etam*, *Know you not that the Philistine is a Ruler over you?* The Truth is, they would fain make him so, and bind us with *Samson* in new Cords, but we hope they will become as Flax, and that they will either loose from our Hands, or we shall have the Courage to cut them.

Upon the same Grounds of Retaliation did *Samuel* do Justice with his own Hand upon the Tyrant *Agag*: *As thy Sword*, says the Prophet, *hath made Women childless, so shall thy Mother be childless among Women.* Nor is there any Law more natural and more just.

How many Mothers has our *Agag*, for his own Ambition, made childless? How many Children fatherless; How many have this Reason to hew this *Amalekite* in Pieces before the Lord? And let his own Relations, and all theirs that are Confederates with him, beware, lest Men come at last to revenge their own Relations in them. They
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make many a Woman husbandless, and many a Father childless: Their Wives may come at last to know what 'tis to want a Husband, and themselves to lose their Children. Let them remember what their great Apostle *Machiavel* tell them; That in Contestations for the preserving their Liberty, People many Times use Moderation; but when they come to vindicate it, their Rigour exceeds all Mean, like Beasts that have been kept up, and are afterwards let loose, they always are more fierce and cruel.

To conclude with the Example *Jeboiada* hath left us: Six Years he hid the right Heir of the Crown in the House of Lord, and without all doubt, amongst the rest of God's Services there he was all that Time contriving the Destruction of the Tyrant, that had aspired to the Throne by the Destruction of those that had the Right to it. *Jeboiada* had no Pretence to authorise this Action, but the Equity and Justice of the Act itself: He pretended no immediate Command from God for what he did, nor any Authority from the *Sanhedrim*; and therefore any Man might have done what *Jeboiada* did as lawfully, that could have done it as effectually as he. Now what Citation was given to *Athaliah*, what Appearance was she called to before any Court of Justice? her Fact was her Tryal, she was without any Expostulation taken forth of the Ranges, and only let live till she got out of the Temple, that that holy Place might not be defiled by the Blood of a Tyrant, which was fitter to be shed on a Dung-hill; and so they slew her at the Horse-gate.

gate. And by the King's House, the very *White-Hall* where she had caused the Blood Royal to be spilt, and which herself had so long unjustly possess'd, there by Providence did she receive her Punishment, where she had acted so great a Part of her Crimes. How the People approv'd of this glorious Action of destroying a Tyrant, this Chapter tells us at the last Verse: *And all the People of the Land rejoiced, and the City was quiet, after that they had slain Athaliah with the Sword.* And that it may appear, they no less honoured the Authors of such Actions, than other Nations did; as in his Lifetime they obeyed *Jehoiada* as a King, so after his Death, for the Good he had done in *Israel*, saith the Scripture, they likewise buried him amongst the Kings.

I must not conclude this Story without observing that *Jehoiada* commanded, that whosoever followed *Athaliah* should be put to Death; letting us see what they deserve that are Confederates with Tyrants, and will side with them, and but appear to defend them, or allow them: His Highness's Counsel, his Junto, and the Agats of his Janizaries, may, if they please, take notice of this, and repent, lest they likewise perish. And likewise his Highness's Chaplains, and Tryers, who are to admit none into the Ministry that will preach Liberty with the Gospel, may, if they think fit, observe, that with the Tyrant fell *Mattan* the Priest of *Baal*. And indeed, none but *Baal's* Priests will preach for Tyrants: *And certainly those Priests which sacrifice to our Baal, our Idol of a Magistrate, deserve as*

well to be hanged before their Pulpits, as ever Mattan did to fall before his Altar.

I should think now I had said much more than enough to the second Question, and should come to the third and last I proposed in my Method; but I meet with two Objections lying in my way: The first is, That these Examples out of Scripture are of Men that were inspired of God, and that therefore they had that Call and Authority for their Actions, which we cannot pretend to, so that it would be unsafe for us to draw their Actions into Examples, except we had likewise their Justification to alledge.

The other Objection is, that there being now no Opposition made to the Government of his Highness, that the People following their Callings and Traffic at home and abroad, making use of the Laws and appealing to his Highness's Courts of Justice: That all this argues the People's tacit Consent to the Government; and that therefore now 'tis to be reputed lawful, and the Peoples Obedience voluntary.

To the first I answer with the learned *Milton*, that if God commanded these things, 'tis a Sign they were lawful, and are commendable. But secondly, As I observed in the Relations of the Examples themselves: Neither *Sampson* nor *Samuel* alledged any other Cause or Reason for what they did, but Retaliation, and the apparent Justice of the Actions themselves. Nor had God appeared to *Moses* in the Bush when he slew the *Egyptian*; nor had *Jehoiada* any Prophetical Authority or other Call to do

do what he did, but that common Call which all Men have, to do all Actions of Justice that are within their Power, when the ordinary Course of Justice ceases.

To the second, my Answer is, That if Commerce and Pleadings were enough to argue the Peoples Consent, and give Tyranny the Name of Government; there was never yet any Tyranny of many Weeks standing in this World. Certainly, we then extreamly wrong *Caligula* and *Nero* in calling them Tyrants, and they were Rebels that conspired against them; except we will believe, that all the while they reigned, that in *Rome* they kept their Shops shut, and opened not their Temples, or their Courts. We are likewise with no less Absurdity to imagine, that the whole eighteen Years Time which *Israel* served *Eglon*, and six Years that *Athaliah* reigned, that the *Israelites* quite desisted from Traffick, Pleadings, and all publick Acts; otherwise *Ebud* and *Jeboida* were both Traitors, the one for killing his King, the other his Queen.

Having shewn what a Tyrant is, his Marks and Practices, I can scarce persuade myself to say any Thing to that I made my third Question, whether the removing him is like to prove of Advantage to the Common-wealth or not? for methinks 'tis to enquire whether 'tis better the Man to die, or the Imposthume be lanc'd, or the gangreen'd Limb be cut off? But yet there be some whose Cowardice and Avarice furnish them with some Arguments to the contrary; and they would fain make the World believe, that to be base and degenerate, is

to be cautious and prudent, and what is in Truth a servile Fear, they falsely call a Christian Patience. It will not therefore be amiss to make appear that there is indeed that Necessity which we think there is, of saving the Vineyard of the Common-wealth, if possible, by destroying the wild Boar that is broke into it. We have already shewed that it is lawful, and now we shall see whether it is expedient. First, I have already told you, that to be under a Tyrant is not to be a Common-wealth, but a great Family, consisting of Master and Slaves. *Vir bonæ, servorum nulla est unquam civitas*, says an old Poet, A Number of Slaves make not a City. So that whilst this Monster lives, we are not Members of a Common-wealth, but only his living Tools and Instruments, which he may employ to what use he pleases. *Servi tua est fortuna, Ratio ad te nihil*, says another; Thy Condition is a Slave's, thou art not to enquire a Reason: Nor must we think we must continue long in the Condition of Slaves, and not degenerate into the Habit and Temper that is natural to that Condition: *Our Minds will grow low with our Fortunes, and by being accustomed to live like Slaves, we shall become unfit to be any Thing else. Etiam fera ammalia si clausa teneas virtutis obliviscuntur*, says Tacitus, The fiercest Creatures, by long Constraint, lose their Courage. And says Sir Fr. Bacon, the Blessing of *Iffachar* and that of *Judah*, falls not upon one People, to be Asses crouching under Burdens, and to have the Spirit of Lions. And with their Courage 'tis no wonder if they lose their Fortune,

as the Effect with the Cause, and act as ignominiously abroad, as they suffer at home. 'Tis *Machiavel's* Observation, that the *Roman* Armies that were always victorious under Consuls, all the while they were under the Slavery of the *Decemviri* never prospered. *And certainly People have Reason to Fight but faintly, where they are to gain the Victory against themselves; when every Success shall be a Confirmation of their Slavery, and a new Link to their Chain.*

But we shall not only lose our Courage, which is a useless and unsafe Virtue under a Tyrant, but by Degrees we shall, after the Example of our Master, all turn perfidious, deceitful, irreligious, Flatterers, and whatever is villanous and infamous in Mankind. See but to what Degree we are come already: Can there any Oath be found so fortified by all religious Ties, which we easily find not a Distinction to break, when either Profit or Danger persuades us to it? *Do we remember our Engagements, or if we do, have we any shame in breaking them? Can any Man think with Patience upon what we have professed, when he sees what we wildly do, and tamely suffer? What have we of Nobility among us but the Name, the Luxury and Vices of it? Poor Wretches, those that now carry that Title, are so far from having any of the Virtues that should adorn it, that they have not so much as the generous Vices that attend Greatness; they have lost all Ambition and Indignation.* As for our Ministers, what have they, or indeed desire they, of their Calling, but the Tythes, &c. How do these horrid Prevaricators

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search for Distinctions to piece contrary Oaths? How do they rake Scriptures for Flatteries, and impudently apply them to his monstrous Highness? What is the City but a great tame Beast, that eats and carries, and cares not who rides it? *What's the Thing call'd a Parliament, but a mock?* compos'd of a People that are only suffer'd to sit there because they are known to have no Virtue, after the Exclusion of all others that were but suspected to have any? *What are they but Pimps of Tyranny, who are only employed to draw in the People to prostitute their Liberty?* What will not the Army fight for? what will they not fight against? *What are they but Janizaries, Slaves themselves, and making all others so?* *What are the People in general but Knaves, Fools, and Cowards, principled for Ease, Vice, and Slavery?* *This is our Temper, this Tyrant hath brought us to already; and if it continues, the little Virtue that is yet left to stock the Nation, must totally extinguish; and then his Highness hath compleated his Work of Reformation. And the Truth is, till then his Highness cannot be secure. He must not endure Virtue, for that will not endure him. He that will maintain Tyranny must kill Brutus, says Machiavel. A Tyrant, says Plato, must dispatch all vertuous Persons, or he cannot be safe; so that he is brought to that unhappy Necessity, either to live amongst base and wicked Persons, or not to live at all.*

Nor must we expect any Cure from our Patience; *Inxanno si gli huomini, says Machiavel, credendo con la humilit à vincere la superbia.* Men deceive them-

themselves, that think to mollify Arrogancy with Humility; *a Tyrant is never modest but when he is weak; 'tis in the Winter of his Fortune, when this Serpent bites not*: we must not therefore suffer ourselves to be cozened with Hopes of his Amendment; for, *Nemo unquam Imperium flagitit quæsitum bonis artibus exercuo*, Never did any Man manage the Government with Justice, that got it by Villany. The longer the Tyrant lives, the more the tyrannical Honour increases in him, says *Plato*, like those Beasts that grow more curst as they grow old. *New Occasions daily happen that necessitate them to new Mischiefs; and he must defend one Villany with another.*

But suppose the contrary of all this, that his Highness were *vi Dominationis convulsus, & mutatus*, changed to the better by great Fortune, of which he gives no Symptoms, what notwithstanding could be more miserable than to have no other Security for our Liberty, no other Law for our Safety, than the Will of a Man, though the most just living? We have all our Beast within us; and whosoever, says *Aristotle*, is governed by a Man without a Law, is governed by a Man and by a Beast. *Etiam si non sit molestus Dominus: tamem est miserrimum posse si velit*, says *Tully*, *Though a Master does not tyrannize, yet 'tis a most miserable Thing that 'tis in his Power do so if he will.* If he be good, so was *Nero* for five Years; and how shall we be secure that he will not change: *Besides, the Power that is allowed to a good Man, we may be sure will be claimed and taken by an ill; and therefore it hath been the Custom of*
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good Princes to abridge their own Power, it may be distrusting themselves, but certainly fearing their Successors, to the Chance of whose being virtuous, they would not hazard the Welfare of their People. An unlimited Power therefore is to be trusted to none, which if it does not find a Tyrant, commonly makes one; or if one uses it modestly, 'tis no Argument that others will; and therefore, *Augustus Cæsar* must have no greater Power given him, than you would have *Tiberius* take. And *Cicero's* Moderation is to be trusted with a Consideration, that there are others to be Consuls as well as he.

But before I press this Business farther, if it needs be any farther prest, that we should endeavour to rescue the Honour, the Virtue, and Liberty of our Nation, I shall answer to some few Objections that have occurred to me. This I shall do very briefly.

Some I find of a strange Opinion, that it were a generous and a noble Action to kill his Highness in the Field; but to do it privately they think is unlawful, but know not why; as if it were not generous to apprehend a Thief, till his Sword were drawn, and he in a Posture to defend himself and kill me. *But these People do not consider that whosoever is possessed of Power any Time, will be sure to engage so many either in Guilt or Profit, or both, that to go about to throw him out by open Force, will very much hazard the total Ruin of the Common wealth.* A Tyrant is a Devil that tears the Body in the exorcising; and they are all of *Caligula's* Temper, that if they could, they would have the whole
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Frame of Nature falls with them. 'Tis an Opinion that deserves no other Refutation than the manifest Absurdity of itself; that it should be lawful for me to destroy a Tyrant with Hazard, Blood, and Confusion, but not without.

Another Objection, and more common, is the Fear of what may succeed if his Highness were removed. *One would think the World were bewitched. I am fallen into a Ditch, where I shall certainly perish if I lie; but I refuse to be helped out, for fear of falling into another: I suffer a certain Misery for fear of a contingent one, and let the Disease kill me, because there is Hazard in the Cure.* Is not this that ridiculous Policy, *Ne moriari, mori*, To die for fear of dying. Sure 'tis Frenzy not to desire a Change, when we are sure we cannot be worse. *Et non incurrere in pericula, ubi quies centi paria metuuntur*, and not then to hazard, when the Danger and the Mischiefs are the same in lying still.

Hitherto I have spoken in general to all *Englishmen*; now I address my Discourse particularly to those that certainly best deserve that Name, ourselves, that have fought, however unfortunately, for our Liberties under this Tyrant; and in the End, cozened by his Oaths and Tears, have purchased nothing but our Slavery with the Price of our Blood. To us particularly it belongs to bring this Monster to Justice, whom he hath made the Instruments of his Villany, and Sharers in the Curse and Detestation that is due to himself from all good Men: others only have their Liberty to

vindicate, we our Liberty and our Honour. We engaged to the People with him, and to the People for him, and from our Hands they may justly expect a Satisfaction of Punishment, being they cannot have that of Performance. What the People at present endure, and Posterity shall suffer, will be all laid at our Doors; for only we, under God, have the Power to pull down this *Dagon*, an Idol of the *Philistines*, which we have set up: and if we do it not, all Mankind will repute us Approvers of all the Villanies he hath done, and Authors of all to come. Shall we, that would not endure a King attempting Tyranny, shall we suffer a profest Tyrant? We that resisted the Lion assailing us, shall we submit to the Wolf tearing us? If there be no Remedy to be found, we have great Reason to exclaim, *Utinam te potius (Carole) retinuisssemus quam hunc habuisssemus, non quod ulla sit optanda servitus, sed quod ex dignitate Domini minus turpis est Conditio servi.* We wish we had rather endured thee, O Charles, than have been condemned to this mean Tyrant; not that we desire any Kind of Slavery, but that the Quality of the Master something graces the Condition of the Slave.

But if we consider it rightly, what our Duty, our Engagements, and our Honour extract from us; both our Safety and our Interest oblige us to; and 'tis unanswerable, in us, to Discretion, as 'tis to Virtue, to let this Viper live: for first, he knows very well 'tis only we that have the Power to hurt him, and therefore of us he will take any Course to secure himself: he is conscious to himself how falsely and perfidiously he
hath

bath dealt with us ; and therefore he will always fear that from our Revenge, which he knows he bath so well deserved.

Lastly, he knows our Principles, how directly contrary they are to that Arbitrary Power he must govern by, and therefore he may reasonably suspect, that we that have already ventured our Lives against Tyranny, will always have the Will, when we have the Opportunity, to do the same again.

These Considerations will easily perswade him to secure himself of us, if we prevent him not, and secure ourselves of him. He reads in his Practice of Piety, *chi diviene Patron*, &c. He that makes himself Master of a City, that has been accustomed to Liberty, if he destroys it not, he must expect to be destroyed by it. And we may read too in the same Author, and believe him, that those that are the Occasion that one becomes powerful, always ruins them, if they want the Wit and Courage to secure themselves.

Now as to our Interest, we must never expect that he will ever trust those that he has provoked and fears: he will be sure to keep us down, lest we should pull down him. 'Tis the Rule that Tyrants observe, when they are in Power, never to make much use of those that helped them to it; and indeed 'tis their Interest and Security not to do it: for those that have been the Authors of their Greatness, being conscious of their own Merit, they are bold with the Tyrant, and less industrious to please him: they think all he can do for them is their Due, and still they expect more; and when they fail in

their Expectations, as 'tis impossible to satisfy them, their Disappointments make them discontented, and their Discontents dangerous. Therefore all Tyrants follow the Example of *Dionysius*, who was said to use his Friends as he did his Bottles, When he had use for them he kept them by him; when he had none, that they should not trouble him and lie in his Way, he hung them up.

But to conclude this already over-long Paper, Let every Man to whom God hath given the Spirit of Wisdom and Courage, be perswaded by his Honour, his Safety, his own Good and his Country's, and indeed the Duty he owes to his Generation, and to Mankind, to endeavour by all rational Means to free the World of this Pest. Let not other Nations have the Occasion to think so meanly of us, as if we resolved to sit still and have our Ears bored, or that any Discouragements or Disappointments can ever make us desist from attempting our Liberty, till we have purchased it, either by this Monster's Death or by our own. Our Nation is not yet so barren of Virtue, that we want noble Examples to follow amongst ourselves. The brave Sindercomb hath shewed as great a Mind as any old Rome could boast of; and had he lived there, his Name had been register'd with Brutus and Cato, and he had had his Statues as well as they.

But I will not have so sinister an Opinion of ourselves, as little Generosity as Slavery hath left us, as to think so great a Virtue can want its Monuments amongst us. Certainly, in every virtuous Mind, there are Statues rear'd to Sindercombe.

When-

Whenever we read the Elogies of those that have died for their Country; when we admire those great Examples of Magnanimity, that have tired Tyrants Cruelties; when we extol their Constancy, whom neither Bribe nor Terrors could make betray their Friends; 'tis then we erect *Sindercomb* Statues, and grave him Monuments; where all that can be said of a great and noble Mind, we justly make an Epitaph for him: and though the Tyrant caused him to be smother'd, lest the People should hinder an open Murder, yet he will never be able either to smother his Memory, or his own Villany. His Poison was but a poor and common Device to impose only on those that understood not Tyrants Practices, and are unacquainted, if any be, with his Cruelties and Falshoods. He may therefore if he please, take away the Stake from *Sindercombe's* Grave, and if he have a Mind it should be known how he died, let him send thither the Pillows and Feather-beds with which *Barkstead* and his Hangman smothered him. But to conclude, Let not this Monster think himself the more secure that he has suppress'd one great Spirit, he may be confident that *Longus post illum sequitur ordo idem petentium decus.*

There is a great Roll behind, even of those that are in his own Muster-Rolls, and are ambitious of the Name of the Deliverers of their Country; and they know what the Action is that will purchase it. His Bed, his Table, is not secure, and he stands in need of other Guards to defend him against his own. Death and Destruction pursue him wherever he

he goes; they follow him every where, like his Fellow-travellers, and at last they will come upon him like armed Men. Darkness is hid in his secret Places; a Fire not blown shall consume him; it shall go ill with him that is left in his Tabernacle. He shall flee from the Iron Weapon, and a Bow of Steel shall strike him through. Because he hath oppressed, and forsaken the Poor; because he hath violently taken away a House which he builded not; we may be confident, and so may he e're long all this will be accomplish'd; for the Triumphant of the Wicked is but short, and the Joy of the Hypocrite but for a Moment. Though his Excellency mount up to the Heavens, and his Head reacheth unto the Clouds, yet he shall perish for ever like his own Dung. They that have seen him shall say, Where is He?

P O S T S C R I P T.

Courteous Reader,

EXpect another Sheet or two of Paper on this Subject, if I escape the Tyrant's Hands, altho' he gets, in the Interim, a Crown upon his Head, which he hath, under-hand, put his Confederates on to petition his Acceptance thereof.

T H E
S E N T I M E N T S
O F A N
Illustrious Patriot,
Deceas'd ;

On important Subjects that concern
the very Being of the Constitution
and Liberties of *Britain*.

Printed in the Pacifick Year 1749.

THERE is nothing in which the Generality of Mankind are so much mistaken as when they talk of Government. The different Effects of it are obvious to every one, but few can trace its Causes. Most Men having indigested Ideas of the Nature of it, attribute all publick Miscarriages to the Corruption of Mankind. They think the whole Mass is infected, that 'tis impossible to make any Reformation, and so submit patiently to their Countries Calamities, or else

else share in the Spoil : Whereas Complaints of this Kind are as old as the World, and every Age has thought their own the worst.

We have not only our own Experience, but the Example of all Times, to prove that Men in the same Circumstances will do the same Things, call them by what Names of Distinction you please. A Government is a mere Piece of Clock-work ; and having such Springs and Wheels, must act after such a Manner : And therefore the Art is to constitute it so that it must move to the publick Advantage.

It is certain that every Man will act for his own Interest ; and all wise Governments are founded upon that Principle : So that this whole Mystery is only to make the Interest of the Governors and governed the same. In an absolute Monarchy, where the whole Power is in one Man, his Interest will be only regarded : In an Aristocracy, the Interest of a few ; and in a free Government, the Interest of every one.

This would be the Case of *England*, if some Abuses that have lately crept into our Constitution were remov'd. The Freedom of this Kingdom depends upon the Peoples chusing the House of Commons, who are a Part of the Legislature, and have the sole Power of giving Money. Were this a true Representative, and free from external Force or private Bribery, nothing could pass there but what they thought was for the publick Advantage. For their own Interest is so interwoven with the Peoples, that if they act for themselves, which every one of

them will do as near as he can, they must act for the common Interest of *England*. And if a few among them should find it their Interest to abuse their Power, it will be the Interest of all the rest to punish them for it; and then our Government would act mechanically, and a Rogue will as naturally be hang'd, as a Clock strike Twelve when the Hour is come.

This is the Fountain-Head from whence the People expect all their Happiness, and the Redress of their Grievances; and if we can preserve them free from Corruption, they will take Care to keep every Body else so. Our Constitution seems to have provided for it, by never suffering the King, till *Charles* the Second's Reign, to have a Mercenary Army to frighten them into a Compliance, nor Places or Revenues great enough to bribe them into it. The Places in the King's Gift were but few, and most them Patent Places for Life, and the rest great Offices of State enjoy'd by single Persons, which seldom fell to the Share of the Commons, such as the Lord Chancellor, Lord Treasurer, Privy Seal, Lord High-Admiral, &c. and when these Offices were possess'd by the Lords, the Commons were severe Inquisitors into their Actions.

Thus the Government of *England* continued from the Time that the *Romans* quitted the Island, to the Time of *Charles* the First, who was the first I have read of, that made an Opposition to himself in the House of Commons the Road to Preferment; of which the Earl of *Sirafford* and *Noy* were the most remarkable Instances, who from great Patriots became the chief Assertors of Despotic Power. But

this served only to exasperate the rest; for he had not Places enough for all that expected them, nor Money enough to bribe them. 'Tis true, he rais'd great Sums of Money upon the People; but it being without Authority of Parliament, and having no Army to back him, it met with such Difficulties in the raising, that it did him little Good, and ended at last in his Ruin, though by the Means of a long and miserable War, which brought us from one Tyranny to another; for the Army had got all Things into their Power, and govern'd the Nation by a Council of War, which made all Parties join in calling in *Charles* the Second: So that he came in with the general Applause of the People, who, in a kind Fit, gave him a vast Revenue for Life. By this he was enabled to raise an Army, and bribe the Parliament, which he did to the Purpose; but being a luxurious Prince, he could not part with great Sums at once. He only fed them from Hand to Mouth: So that they found it as necessary to keep him in a constant Dependance upon them, as they had upon him. They knew he would give them ready Money no longer than he had absolute Necessity for them, and he had not Places enough in his Disposal to secure a Majority in the House, for in those early Days the Art was not found out of splitting and multiplying Places; as instead of a Lord Treasurer to have Five Lords of the Treasury; instead of a Lord Admiral to have Seven Lords of the Admiralty; to have Seven Commissioners of the Customs, Nine of the Excise, Fourteen of the Navy Office, Ten of the Stamp Office, Eight of the Prize Office, Sixteen of the Commissioners of Trade,

Two of the Post Office, Four of the Transports, Four for Hackney Coaches, Four for Wine-Licences, Four for the Victualling Office, and Multitudes of other Offices, which are endless to enumerate.

I believe the Gentlemen who have the good Fortune to be in some of these Employments, will think I compliment them, if I should say they have not been better executed since they were in so many Hands, than when in fewer: And I must confess, I see no Reason why they may not be made twice as many, and so *ad infinitum*, unless the Number be ascertained by Parliament; and what Danger this may be to our Constitution, I think of with Horror. For if in Ages to come they should be all given to Parliament Men, what will become of our so much boasted Liberty? What shall be done when the Criminal becomes the Judge, and the Malefactors are left to try themselves? We may be sure their common Danger will unite them, and they will all stand by one another.

I do not speak this by guess; for I have read of a Country where there was a constant Series of Mismanagement for many Years together, and yet no Body was punish'd: And even in our Country, I believe, some Men now alive can remember the Time, when if the then King, had but twenty more Places in his Disposal, or disposed of those he had to the best Advantage, the Liberty of England had been at an End.

I would not be understood quite to exclude Parliament-Men from having Places; for a Man may serve his Country in two Capacities; but I would

not have it to be a Qualification for a Place; because a poor Borough thinks a Man fit to represent them, that therefore he must be a Statesman, a Lawyer, a Soldier, an Admiral, and what not?

If this Method should be taken in a future Reign, the People must not expect to see Men of Ability or Integrity in any Places, while they hold them by no other Tenure than the Disservice they do their Country in the House of Commons, and are sure to be turned out upon every prevalent Faction on the other Side. They must then never expect to see the House of Commons act vigorously for the Interest either of King or People; but some will servilely comply with the Court to keep their Places, others will oppose it as unreasonably to get them: And those Gentlemen whose Designs are for their Country's Interest, will grow weary of the best Form of Government in the World, thinking by Mistake the Fault is in our Constitution.

I have heard of a Country, where the Disputes about Offices to the Value of Thirty Thousand Pounds *per Annum*, have made Six Millions ineffectual; what by some Mens prostitute Compliance, and others openly clogging the Wheels, it has caused Want and Necessity in all Kinds of Men, Bribery, Treachery, Prophaneness, Atheism, Prodigality, Luxury, and all the Vices that attend a remiss and corrupt Administration, and an universal Neglect of the Publick.

It is natural to run from one Extreme to another; and this Policy will at last turn upon any Court that uses it: For if they should be resolved to give all Offices to Parliament-Men, the People will think them-

themselves under a Necessity to obtain a Law that they shall give none; which has been more than once attempted in our own Time.

Indeed, tho' there may be no great Inconvenience in suffering a few Men that have Places to be in that House, such as come in naturally, without any indirect Means, yet it will be fatal to us to have many: For all wise Governments endeavour as much as possible to keep the Legislative and Executive Parts asunder, that they may be a Check upon one another. Our Government trusts the King with no part of the Legislature but a Negative Voice, which is absolutely necessary to preserve the Executive. One Part of the Duty of the House of Commons is to punish Offenders, and redress the Grievances occasioned by the Executive Part of the Government; and how can that be done, if they should happen to be the same Persons, unless they would be publick-spirited enough to hang or drown themselves?

But in my Opinion, in another Thing of no less Importance, we deviated in *Charles* the Second's Time from our Constitution; for tho' we were in a Capacity of punishing Offenders, yet we did not know legally who they were. The Law has been always very tender of the Person of the King, and therefore has disposed the Executive Part of the Government in such proper Channels, that whatsoever lesser Excesses are committed, they are not imputed to him, but his Ministers are accountable for them: His Great Seal is kept by his Chancellor, his Revenue by his Treasurer, his Laws are executed by his Judges, his Fleet is managed by his Lord High

Admiral,

Admiral, who are all accountable for their Misbehaviour. Formerly all Matters of State and Discretion were debated and resolved in the Privy-Council, where every Man subscribed his Opinion, and was answerable for it. The late King *Charles* was the first who broke this most excellent Part of our Constitution, by setting a Cabal or Cabinet Council, where all Matters of Consequence were debated and resolved, and then brought to the Privy-Council to be confirmed. The first Footsteps we have of this Council in any *European* Government, were in *Charles* the Ninth's Time of *France*, when resolving to massacre the *Protestants*, he durst not trust his Council with it, but chose a few Men whom he called his Cabinet Council: And considering what a Genealogy it had, 'tis no Wonder, it has been so fatal both to King and People. To the King; for whereas our Constitution has provided Ministers in the several Parts of the Government to answer for Miscarriages, and to skreen him from the Hatred of the People; this, on the contrary, protects the Ministers, and exposes the King to all the Complaints of his Subjects. And 'tis as dangerous to the People: For whatever Miscarriages there are, no Body can be punished for them; for they justify themselves by a Sign Manual, or perhaps a private Direction from the King; And then we have run it so far, that we can't follow it. The Consequence of this must be continual Heart-burnings between King and People; and no one can see the Event.

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